

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BELLSOUTH TELECOMMUNICATIONS, INC.'S)	
REQUEST FOR CONFIDENTIAL TREATMENT)	
OF INFORMATION FILED IN SUPPORT OF ITS)	CASE NO. 97-097
SPECIAL PROMOTION FOR RESIDENCE)	
ADDITIONAL LINES)	

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. ("BellSouth"), filed February 27, 1997, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost information filed in support of its proposed additional residence line promotion on the grounds that disclosure is likely to cause BellSouth competitive injury, and it appearing to this Commission as follows:

BellSouth plans to offer a special promotion to residence customers to encourage them to install additional lines. The promotion which will run from April 1, 1997 through May 31, 1997 will offer as an incentive to install the additional lines, a one time credit of \$40 which the customer can apply to its bill, or may use to purchase either a cordless telephone or two-line telephone set. In support of the promotion, BellSouth has filed demand cost and contribution data which it seeks to protect as confidential.

The information sought to be protected is not known outside of BellSouth and is not disseminated within BellSouth except to those employees who have a legitimate business need to know and to act upon the information. BellSouth seeks to preserve and protect the confidentiality of the information through all appropriate means.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That subsection of the statute exempts several categories of information. One category exempted in paragraph (c)1 of that subsection is commercial information confidentially disclosed to the Commission which if made public would permit an unfair commercial advantage to competitors of the party from whom the information was obtained. To qualify for the exemption, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.


Because of the enactment of the Telecommunications Act of 1996, BellSouth faces competition in the local service market. Public disclosure of the demand, cost, and contribution data, which BellSouth seeks to protect as confidential, would enable its competitors in that market to determine BellSouth's cost and contributions from the services. Competitors could use this information in formulating strategic plans for entry, pricing, marketing and overall business strategies concerning these services. Therefore, disclosure of the information is likely to cause BellSouth competitive injury, and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,


IT IS ORDERED that the demand, cost, and contribution data filed in support of BellSouth's promotion for residence additional lines, which BellSouth has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 26th day of March, 1997.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director